

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

JOHN DOE,

Plaintiff,

v.

Case No. 3:22-cv-64

**UNIVERSITY OF VIRGINIA,
CHRISTINE WECHSLER, EMILY
BABB, REBECCA LOCKE LEONARD,
RAJIVA SENEVIRANTE, DIANE
WHALEY, and JAME E. RYAN,**

Defendants.

NOTICE OF REMOVAL

Defendants, by counsel, pursuant to 28 U.S.C. § 1441 *et seq.*, remove this civil action, originally filed in state court, to this Court for the following reasons:

1. On October 21, 2021, Plaintiff John Doe (“Doe” or “Plaintiff”) filed the attached Complaint in the Circuit Court of Albemarle County (Case No. CL21-1492) (attached hereto as Ex. A).

2. The five-count Complaint alleges that Defendant UVA violated Title IX of the Education Act of 1972, 20 U.S.C. § 1681 *et seq.* (“Title IX”); that five individually named Defendants violated Plaintiff’s due process rights in connection with the Title IX proceedings at UVA and are liable in their individual capacities, that Defendant President James Ryan violated Plaintiff’s due process rights in connection with the Title IX proceedings and is liable in his official capacity; a breach of contract claim against UVA; and a claim of tortious interference with contractual relations against the five Defendants named in their individual capacities.

3. Defendants UVA, President Ryan, Whaley, Leonard, and Senevirante were served with the Complaint on October 6, 2022. The other Defendants were served thereafter. Based on the first service date of October 6, 2022, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446.

4. Additionally, Defendants timely filed responsive pleadings in the form of a Plea in Bar and Demurrer in the Albemarle County Circuit Court, which is attached hereto as Ex. B.

5. Pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1443, this case meets the requirements for removal to federal court as it asserts claims arising out of the United States Constitution and laws of the United States, namely two claims under 42 U.S.C. § 1983 for violations of the right to due process contained in the Fourteenth Amendment to the United States Constitution and one alleged violation of Title IX, and the events complained of by Plaintiff took place within the City of Charlottesville, Virginia.

6. This Court has original jurisdiction over Plaintiff's federal question claims and supplemental jurisdiction over his state law claims. *See* 28 U.S.C. § 1331 (declaring that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."); 28 U.S.C. § 1367(a) (declaring that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy . . .").

7. Plaintiff's state law claims - breach of contract and tortious interference with contractual relations - are based on the same set of facts as the federal claims and thus form the same case or controversy over which this Court has supplemental jurisdiction.

8. Defendants, by and through the undersigned counsel, will provide written notice of the filing of its notice of removal to Plaintiff's counsel and to the Clerk of the Circuit Court of Rockingham County as required by 28 U.S.C. § 1446(d).

9. Pursuant to Fed. R. Civ. P. 81(c)(2)(C), Defendants will also file a motion to dismiss, and an accompanying memorandum of law in support thereof, within seven days of the filing of this notice of removal.

10. Defendants are all represented by the same counsel and all join the removal of this case to this Court.

WHEREFORE, and for the foregoing reasons, Defendants remove this civil action, originally filed in the Circuit Court of Albemarle County (Case No. CL21-1492), to this Court and request it to properly proceed in federal court.

Respectfully submitted,

**UNIVERSITY OF VIRGINIA, CHRISTINE
WECHSLER, EMILY BABB, REBECCA
LOCKE LEONARD, RAJIVA
SENEVIRATNE, DIANE WHALEY, and
JAMES E. RYAN**

Jason S. Miyares
Attorney General of Virginia

Steven G. Popps
Deputy Attorney General

***Counsel of Record**

By: /s/Sandra S. Gregor
Sandra S. Gregor (VSB No. 47421)*
Amy E. Hensley (VSB No. 80470)*
Assistant Attorneys General
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
(804) 786-1586 – Telephone
(804) 371-0200 – Facsimile
sgregor@oag.state.va.us
ahensley@oag.state.va.us
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 2, 2022, a true and accurate copy of the foregoing **Notice of Removal** was sent by U.S. mail and e-mail, to:

Jesse R. Binnall (VSB No. 79292)
Benjamin North (VSB No. 97439)
Binnall Law Group, PLLC
717 King Street, Suite 300
Alexandria, VA 22314
jesse@binnall.com
Counsel for Plaintiff

/s/Sandra S. Gregor
Sandra S. Gregor
Assistant Attorney General